

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

DAVID R. SPARKS

PLAINTIFF

vs.

Civil No. 2:16-cv-02155

CAROLYN W. COLVIN

DEFENDANT

Commissioner, Social Security Administration

**REPORT AND RECOMMENDATION**  
**OF THE UNITED STATES MAGISTRATE JUDGE**

Before this Court is Defendant's Motion to Remand. ECF No. 16. Plaintiff does not oppose this Motion. Pursuant to the provisions of 28 U.S.C. § 636(b)(1) and (3) (2005), the Honorable P. K. Holmes, III referred this case to this Court for the purpose of making a report and recommendation. In accordance with that referral, this Court enters the following report and recommendation.

Defendant requests Plaintiff's case be remanded. ECF No. 16. Defendant requests this remand so the ALJ may conduct further administrative proceedings and to obtain a complete record. *Id.*

Based upon the foregoing, this Court recommends Defendant's Motion to Remand (ECF No. 16) be **GRANTED** and Plaintiff's case be remanded, pursuant to sentence four of 42 U.S.C. § 405(g), to the Social Security Administration for further administrative review.

**The parties have fourteen (14) days from receipt of this Report and Recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections may result in waiver of the right to appeal questions of fact. The parties are**

reminded that objections must be both timely and specific to trigger *de novo* review by the district court. *See Thompson v. Nix*, 897 F.2d 356, 357 (8<sup>th</sup> Cir. 1990).

ENTERED this 4th day of January, 2017.

/s/ Barry A. Bryant  
HON. BARRY A. BRYANT  
U.S. MAGISTRATE JUDGE